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## Planning Department

### INTERDEPARTMENTAL COMMUNICATION

**To:** Planning Board **Date:** June 9, 2006  
**From:** Kristin K. Alexander, AICP, Assistant Town Planner *KKA*  
**Subject:** Subdivision Rules and Regulations – Recommended Minor Revisions

In June of last year, the Planning Board agreed that it is probably time to review the Acton Subdivision Rules and Regulations (Rules) again and make revisions where necessary or appropriate. After reviewing the Rules, gathering input from some other Town departments, and listening to the Planning Board, the Planning Department developed a list of recommended changes to the Rules. We are presenting the recommended changes in two parts: minor revisions and Low Impact Development (LID) / stormwater management revisions. Below are the recommended "minor revisions" to the Rules. The text is straight from the Rules and the proposed changes are highlighted. A summary explanation is provided in italics after each text section. Within the next month, we hope to finalize and present you with the LID / stormwater management revisions. Please review the recommended revisions and decide whether you think the Rules should be changed accordingly. Any changes to the Rules should also be considered for the following special permit rules and regulations to the extent that they are transferable: Golf Course in Residential Districts, Senior Residence, Planned Conservation Residential Community (PCRC), Open Space Developments (OSD) Including Minor Affordable Housing Developments, Major Affordable Housing Developments, and Common Drive.

#### 2.5 References

For matters not covered by these RULES, reference is made to the SUBDIVISION CONTROL LAW, MGL Ch. 41, S.81-K through 81-GG; the Wetlands Protection Act, MGL Ch. 131, S.40; and the State Environmental Code, Title V (310 CMR 15.00).

Design and construction of STREETS, WAYS, sidewalks, drainage structures, sewage disposal structures and other appurtenant structures, shall comply with the standards set forth in these RULES; the "Design and Construction Standards", Town of Acton, January 1975 as amended (see Appendix); "Residential Street Design and Traffic Control", Institute of Transportation Engineers, 1989 or latest edition; "The Subdivision and Site Plan Handbook" by Listokin & Walker, Rutgers University, 1989 or latest edition; "A Policy on Geometric Design of Rural Highways and Streets" published by the American Association of State Highway and Transportation Officials, 1984-2001 or latest edition; the "Highway Design Manual", published by the Commonwealth of Massachusetts Department of Public Works, latest edition; the "Standard Specification for Highways and Bridges", published by the Commonwealth of Massachusetts Department of Public Works, 1977 1995 or latest edition; the "Massachusetts Department of Public Works Construction

~~Standards~~Construction and Traffic Standard Details", published by the Commonwealth of Massachusetts, 1977 or latest edition and supplements; the "Manual on Uniform Traffic Control Devices" published by the Federal Highway Administration, latest edition; the "Seeley's Data Book for Civil Engineers", Volume I - Design, published by John Wiley & Sons, Inc., New York, latest edition; the "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts", published by the United States Department of Agriculture, Soil Conservation Service, 1977 or latest edition. "Residential Streets", published by the American Society of Civil Engineers, the National Association of Home Builders and the Urban Land Institute, 1990 or latest edition. The above reference manuals may be referred to in various sections of these RULES.

*Agency names and references are outdated.*

## **(5.2 SUBMISSION of DEFINITIVE PLAN)**

- 5.2.4 ~~Ten (10)~~Twelve (12) contact prints of the definitive plan prepared by a registered engineer and land surveyor and drawn clearly and legibly in dark lines on white background in the form and with the contents as stated below, ~~and eleven (11)~~twelve (12) reduced copies thereof on 11"x17" or 8.5"x11" sheets, ~~and twelve (12) copies of the outline of the subdivision lots superimposed on a recent aerial photograph of the site and surrounding area \on 11"x17" or 8.5"x11" sheets~~

*The Planning Board had requested this change.*

- 5.2.7 ~~If the STREET is proposed to become a public WAY, A~~ a statement from the developer that he will retain the fee in the STREETS shown on the plan and upon construction of the STREETS and installation of services will, at the request of the Town of Acton, grant to the Town the fee (or an EASEMENT for all purposes for which STREETS are used) in such STREETS; and will, at the request of the Town of Acton, grant to it any drainage or other EASEMENTS shown on the plan. In order to retain the fee in the STREET, the developer must clearly define LOT lines when selling individual LOTS, to make clear that the LOT stops at the STREET layout. Otherwise, the owners of individual LOT will, by convention, own the STREET to the centerline. If this occurs, the STREET cannot be accepted by the Town, since any conveyances of the STREET from the developer to the Town are meaningless.

*Lately, applicants of Residential Compounds have been submitting statements that they will retain the fee in the streets. If the proposed streets are to remain private (as is required under the Residential Compound option), the statement isn't necessary and just confuses people. This is an attempt to clarify the submission requirement for applicants.*

- ~~5.2.8 A draft of a legal advertisement (see Appendix Form LN), describing the land.  
(Delete this subsection and renumber the other subsections accordingly)~~

*The Planning Department drafts and sends the legal advertisement to the newspaper.*

## **(5.3 CONTENTS of DEFINITIVE PLAN)**

- 5.3.11 ~~STREET trees and other plantings as required by the RULES shall be prepared by and display the seal of a registered landscape architect.~~  
(Renumber 5.3.11 – 5.3.23 accordingly)

*The Tree Warden requested that a certified landscape architect stamp the plan and certify that all plantings have been done according to the plan. It puts the cost on the developer*

and the responsibility on the professional. A final sign off by the Tree Warden would still be required.

~~5.3.24 A log of the deep test holes and percolation tests for the entire site as witnessed by a representative of the Board of Health.~~

*The applicant already submits the log to the Board of Health. The Board of Health refers to the log when reviewing the plan and notifies the Planning Board if there is a problem.*

## **(5.8 PLANNING BOARD ACTION on DEFINITIVE PLAN)**

~~5.8.2.1 If the definitive plan is prepared using a computer-aided drafting program~~Submission of plan for endorsement shall include: an electronic copy of the final definitive plan ~~(on a medium and in a format as directed by the Town Planner)~~in an AutoCAD Drawing Format (.dwg) shall be filed with the Acton Planning Department at the time of endorsement.

*Staff always requires the plan in the .dwg format, so we decided to specify it in the Rules.*

## **(6 PERFORMANCE GUARANTEE 6.4 FINAL RELEASE)**

~~6.4.1.5 A written confirmation certification from the Acton Tree Warden~~by a registered landscape architect that installation of STREET trees and other plantings required by these RULES and the approved SUBDIVISION plan have been completed satisfactorily, that such plantings have been exposed to one winter season (Nov. 15 - April 30) and that damaged plantings, if incurred, have been replaced to the satisfaction of the Acton Tree Warden.

*The Tree Warden requested that a certified landscape architect stamp the plan and certify that all plantings have been done according to the plan. It puts the cost on the developer and the responsibility on the professional. A final sign off by the Tree Warden would still be required.*

## **(8 DESIGN STANDARDS 8.1 STREETS)**

~~8.1.13 Superelevation of curves, sight distances, tangents between reverse curves, ROW widths, grades, transition areas, crest vertical curves, sag vertical curves, stopping sight distances and correction for stopping distances will be determined by using the following:~~ Table I "Horizontal Design Standards", Table II "Vertical Design Standards" and Table III "Stopping Sight Distances".

### **8 TABLE I – HORIZONTAL DESIGN STANDARDS**

DESIGN SPEED	less than 25 mph	less than 30 mph)
<b>SUPERELEVATION</b>	<del>remove adverse crown super-elevate at normal crown slope for centerline radii below 1,450 feet and central angle &gt;30°</del>	<del>remove adverse crown super-elevate at normal crown slope for centerline radii below 2,850 feet and central angle &gt;25°</del>

*This requirement was originally included in the Rules to assist with vehicle handling around curves. The Engineering Department suggests that this requirement be removed from the Rules because it tends to lead to higher traffic speeds, and drainage problems in*

*bad soil, shade, and steep slopes areas. Staff believes the benefits of superelevation on a subdivision road do not outweigh the related construction and traffic problems.*

8.1.18.2 e) The STREET approaching the loop turnaround shall be a minimum distance of 60 feet.

*Planning staff added this standard for cul-de-sac street design to ensure that no one proposes just a loop turnaround with hardly any street straightaway and tries to argue it's a street according to the Rules (for frontage purposes). RB – does the t-turnaround need this too??? I don't think so since it says "the street approaching the turnaround shall be straight for a minimum distance of 60 feet."*

## **(8.7 EASEMENTS)**

~~8.7.3 Where a SUBDIVISION is traversed by a water course, drainage course, channel or stream, a storm water EASEMENT or drainage right-of-way shall be provided of adequate width to conform substantially to the lines of such water course, drainage course, channel or stream, and to provide for construction and repair. In the absence of engineering evidence of the extent of the drainage course, an EASEMENT shall be required consisting of 30 feet from either side of the center line of any major stream (Fort Pond Brook and Nashoba Brook) and 15 feet from either side of the center line of a minor stream.~~  
(Delete this subsection and renumber the other subsections accordingly)

*Other subsections of the Rules require utility and drainage easements (where applicable) across lots; require utility, construction, and slope easements along the sides of streets; and prohibit the obstruction of all water courses, drainage courses, channels, streams, and other water bodies. Furthermore, the State Rivers Act and the State and local wetlands bylaws have jurisdiction over what can and cannot occur near water bodies. For these reasons, section 8.7.3 is unnecessary and should be removed.*

## **(9.2 UTILITIES)**

9.2.1 Drain pipes, sewer pipes (if applicable) and related equipment, such as manholes and catch basins, shall be constructed in conformity with specifications of the "Standard Specifications for Highways and Bridges", ~~Department of Public Works, Commonwealth of Massachusetts, 1988~~1995, as amended.

9.2.2 Adequate disposal of surface water shall be provided. Catch basins and drain manholes shall be built in conformance with the "Standard Specifications for Highways and Bridges", ~~Mass. Highway Dept. Commonwealth of Massachusetts~~, on both sides of the roadway on continuous grades at intervals of not more than four hundred (400) feet, at low points and sags in the roadway and near the corners of the roadway at intersecting STREETS as necessary.

9.2.3 Sub-drains, constructed as shown in the ~~Mass. Highway Dept. Commonwealth of Massachusetts~~ Construction Standards, shall be installed at the edge of the area to be paved when deemed necessary by the BOARD.

*Agency names and references are outdated.*

## 10 OPTIONAL RESIDENTIAL COMPOUND PLAN

10.1.1.1 A Residential Compound shall contain not more than five (5) LOTS which may only be used for single family dwellings and associated and accessory uses and structures as permitted under the Acton Zoning Bylaw.

~~10.1.1.4 Any land within the Residential Compound, not designated as a building LOT or private STREET shall be dedicated as permanent open space. Such land may only be used for conservation, outdoor recreational facilities of a noncommercial nature, agriculture, preservation of scenic or historic sites or structures, and structures accessory to any of the above uses.~~

10.1.1.5 An operations and maintenance plan shall be submitted for the drainage system. Where appropriate, the drainage system shall be a Low Impact Development (LID) design, stamped and certified by a registered engineer that it complies with LID strategies, that includes some redundancy and extra capacity, is simple to design, and functions in the winter months.

10.1.1.6 Assurances through deed restrictions or otherwise shall be given that the Town will not be requested to accept or maintain the private STREETS, drainage systems, open space, or any other improvements within the Residential Compound for which design or improvement requirements contained in Section 8 and 9 of these RULES have been waived, and that the land within the Residential Compound shall only be used for the purposes set forth in the developer's proposed Definitive Plan.

10.1.1.67 The approved Definitive SUBDIVISION Plan of a Residential Compound shall contain conditions that:

- a) there shall be no further division of the tract or LOTS contained therein;
- b) development of the land is permitted only in accordance with the land uses indicated thereon;
- c) the covenants of the developer regarding ownership, maintenance and utilization of common property, including, but not limited to, STREETS, drainage systems and open space, continue to be complied with.

10.1.1.78 The covenants or other written assurances regarding ownership, maintenance and utilization of the roadway and common property, as required by the BOARD, shall be recorded prior to or simultaneously with the recording of the approved Definitive Plan.

10.1.2 Every application for a Residential Compound shall contain a proof plan at the same scale as the proposed Residential Compound plan that demonstrates a roadway and lots can be designed in compliance with the requirements of Section 8 and 9 of these RULES, the dimensional requirements applicable to the zoning district in which the land is located, and other applicable laws. Land in another town shall not be used to demonstrate compliance with the requirements of the zoning bylaw.

10.1.23 As a general rule, the design and construction standards set forth in the Rules and Regulations for Common Driveway Special Permits, as amended, shall be applied to Residential Compounds.

10.1.4 Two copies plus one original mylar of an as-built plan shall be submitted at the conclusion of construction. The as-built plan shall be drawn at a legible scale (1 inch = 20', 40', or 50'); certified by a registered professional engineer and a registered land surveyor; and show pavement, drainage, utilities, and any other items to demonstrate the subdivision was built according to the approved plan.

*Since it has become standard practice for the Board to require a "proof plan" and a private way and maintenance agreement, they have now been included as a submittal requirement in the Rules. We have never seen a Residential Compound have enough remaining land to set aside open space, so staff deleted the remaining land open space requirement. Staff felt it was necessary for the applicant to develop an operations and maintenance plan for drainage since the Town will not be maintaining the drainage system. Based on Board comments, staff has also included the following requirements: (1) land from another Town cannot be used to comply with zoning requirements on the proof plan, and (2) low impact development (LID) is expected where applicable. The Engineering Department asked that an as-built plan be submitted as is required for all subdivision plans.*

#### **(11.7 ACCEPTANCE OF ROADS)**

(11.7.1 The BOARD shall require submission of the following information at least one hundred and eighty (180) days prior to Annual Town Meeting before making a recommendation to the Board of Selectmen:)

11.7.1.9 The plan shall be accompanied by a letter from the registered landscape architect certifying that installation of STREET trees and plantings, as required by the RULES and the approved SUBDIVISION plan, has been completed.  
~~Written approval by the Acton Tree Warden of the required tree plantings.~~

*The Tree Warden requested that a certified landscape architect stamp the plan and certify that all plantings have been done according to the plan. It puts the cost on the developer and the responsibility on the professional. A final sign off by the Tree Warden would still be required.*

#### **APPENDIX A**

~~FORM DP-LN — Legal Notice~~  
(and remove Form DP-LN from the Rules)

*The Planning Department drafts and sends the legal advertisement to the newspaper.*

#### **DEVELOPMENT IMPACT REPORT (DIR)**

##### **C. Utilities and Municipal Services**

34. How will sewage disposal be handled?  
(Insert this new question and renumber the rest of questions in the DIR accordingly)

*This question is to clarify in the DIR whether septic systems on individual lots, shared septic system(s), a treatment plant, or public sewer is proposed for the project. The Rules require the sewage disposal system(s) be shown on the Definitive Plan.*